

### REMARKS

The present application has been reviewed in light of the Office Action dated September 3, 2003. Claims 22-33 are presented for examination, of which Claims 22, 23, 25, and 26 are in independent form. Claims 1-21 have been cancelled, without prejudice or disclaimer of the subject matter presented therein, and new Claims 22-33 have been added to provide Applicants with a more complete scope of protection. Favorable reconsideration is requested.

As an initial matter, the Office Action Summary, at item 13, acknowledges Applicants' claim for foreign priority, but erroneously indicates that certified copies of the priority documents "have been received in this National Stage application from the International Bureau" under the PCT. Applicants submit, however, that certified copies of the priority documents for the present application were submitted directly to the U.S. Patent and Trademark Office on March 13, 2000. Therefore, Applicants respectfully request acknowledgment that all certified copies of the priority documents have been received (see boxes 13(a) and 13(a)(1) of the Office Action Summary).

The Office Action objected to the drawings because the recording device shown in Fig. 3 is not labeled with a reference numeral. In response, submitted herewith is a replacement drawing of Fig. 3 with the recording device labeled with the reference numeral --200--. Approval of the replacement drawing is respectfully requested.

The Office Action states that Claims 1, 2, and 5-11 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,038,295 (Mattes); that Claims 12-21

are rejected under § 102(a) as being anticipated by U.S. Patent No. 6,396,537 (Squilla et al.); and that Claims 3 and 4 are rejected under § 103(a) as being unpatentable over Mattes in view of Squilla et al. Cancellation of Claims 1-21 renders their rejections moot. Applicants submit that new independent Claims 22, 23, 25, and 26, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

An aspect of the present invention set forth in Claim 22 is directed to an image communication apparatus that communicates with a recording apparatus using a wireless communication unit. The image communication apparatus includes an image generation unit and a recording unit. The image generation unit is adapted to generate a digital image, and the recording unit is adapted to record the generated digital image on a recording medium. The image communication apparatus has an operation mode of automatically transmitting one or more digital images recorded on the recording medium. A judging process of the operation mode judges whether or not to skip a reproduction of a digital image already transmitted to the recording apparatus. (An aspect of the present invention set forth in Claim 25 is directed to a method of controlling an image communication apparatus such as the one of Claim 22.)

One of the notable features of Claims 22 and 25 is that the operation mode of the image communication apparatus enables one or more digital images to be automatically transmitted, and judges whether or not to skip a reproduction of a digital image already transmitted to the recording apparatus (see, for example, the reproduction skipping flag of Fig. 2 and the discussion thereof in the specification).

An aspect of the present invention set forth in Claim 23 is directed to an image

communication apparatus that communicates with a recording apparatus using a wireless communication unit. The image communication apparatus includes an image generation unit and a recording unit. The image generation unit is adapted to generate a digital image, and the recording unit is adapted to record the generated digital image on a recording medium. The image communication apparatus has an operation mode of automatically transmitting one or more digital images recorded on the recording medium. A judging process of the operation mode judges whether or not to delete a digital image already transmitted to the recording apparatus from the recording medium. (An aspect of the present invention set forth in Claim 26 is directed to a method of controlling an image communication apparatus such as the one of Claim 23.)

One of the notable features of Claims 23 and 26 is that the operation mode of the image communication apparatus enables one or more digital images to be automatically transmitted, and judges whether or not to delete a digital image already transmitted to the recording apparatus from the recording medium (see, for example, the data deleting flag of Fig. 2 and the discussion thereof in the specification).

Mattes relates to a communication system that includes a telephone unit with an image pick-up device for recording digital images, a server with a memory for recording data received from the telephone unit, and a transmission system for transmitting the data from the telephone unit to the server. More specifically, as understood by Applicants, Mattes discloses in Fig. 1 a telephone system in which a telephone unit TE transmits picked-up image data to a server S to be recorded therein. The telephone unit TE has image pickup means (see column 5, line 58-62) and switches between a telephone mode and an image pickup/transmission mode (see

column 6, lines 15-20). The server S records the image data in accordance with classification information provided by a user (see column 6, lines 42-45 and 61-65; column 7, lines 6-8; Fig. 3; and the Abstract).

Squilla et al. relates to a photographic system that interactively communicates with a user. As understood by Applicants, Squilla et al. discloses that, in the photographic system, contents information is read out from a database 12 included in a site 10 in accordance with personal information of the user and then is associated with image data by a server 70 (see column 6, lines 41-65; and Fig. 2).

Applicants submit that a combination of Mattes and Squilla et al., assuming such combination would even be permissible, would fail to teach or suggest an image communication apparatus that communicates with a recording apparatus using a wireless communication unit, wherein the image communication apparatus "has an operation mode of automatically transmitting one or more digital images recorded on the recording medium, and wherein the operation mode has a judging process of judging whether or not to skip a reproduction of a digital image already transmitted to the recording apparatus," as recited in Claim 22.

Applicants further submit that any permissible combination of Mattes and Squilla et al. would fail to teach or suggest an image communication apparatus that communicates with a recording apparatus using a wireless communication unit, wherein the image communication apparatus "has an operation mode of automatically transmitting one or more digital images recorded on the recording medium, and wherein the operation mode has a

judging process of judging whether or not to delete a digital image already transmitted to the recording apparatus from the recording medium," as recited in Claim 23.

Both Mattes and Squilla et al. are respectfully submitted to be silent regarding the judging processes of Claims 22 and 23. Accordingly, Applicants submit that Claims 22 and 23 are patentable over Mattes and Squilla et al., considered individually or in combination. Independent Claims 25 and 26 include features similar to those of Claims 22 and 23, respectively, discussed above. Therefore, those claims also are believed to be patentable for at least the same reasons.

The other claims in the present application depend from one or another of the independent claims discussed above, and therefore are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested.

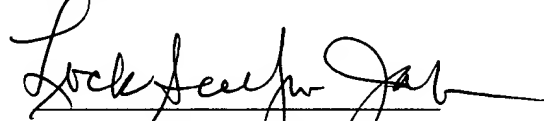
In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

CONCLUSION

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
Attorney for Applicants  
LOCK SEE YU-JAHNES  
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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